

REMARKS:

Claims 1-30 are in the case and again presented for consideration.

The Examiner has made a requirement for information under 37 C.F.R. 1.105.

The Examiner has specifically requested information regarding the assignees Creative Idea Generation Technique, invented by the inventor of the present application, Marcia Roosevelt, noting in particular that the Examiner has located various articles that establish the assignee is a creative idea generation company specializes in marketing and advertising. This activity was certainly in place before the filing date of the present application on February 14, 2001, but the claims of the present application have been drafted to define what is believed to be a novel and unobvious method for creating marketing and advertising ideas on a systematic, reproducible and effective manner which has never been done before.

In order to try and set out what is known concerning the prior art to the present application, using the various elements of the claims as bench marks for identifying what was known and what is believed to be the novel and unobvious combinations of the invention, attached to this amendment please find a fourteen (14) page claims chart which has been drafted by the inventor to try and separate the critical limitations of at least the independent claims and the key dependent claims into its component parts with the inventor's comments on the nature of each component of each combination, its closest counterpart in the prior art, at least as currently understood, as well as an identification of which elements are believed to be new over the prior including previous activities of the assignee, Saatchi & Saatchi.

The inventor's comments were also drafted to try and better explain what is meant by each of the components of the method.

It must be emphasized however that the inventor's comments are not meant to add limitations to the claim language which speaks for itself and is believed sufficient under 35 U.S.C. 112, second paragraph. The specification is also believed to be sufficient and complete under 35 U.S.C. 112 in its entirety and examination of the claims is respectfully requested.

For example, in claim 1 after the preamble the first step is "selecting a team coordinator." While certainly it is known in any organization whether civilian or military, to identify a leader, in the context of the present invention the team coordinator is selected to have certain duties. Although not included as a limitation of claim 1, some of these duties are explained in the specification at page 9, starting on line 5 for example.

The next step of claim 1, "defining the scope of a conceptual design using a fixed-fluid analysis" is explained in the specification. For an explanation of what is meant by this type of analysis and what the scope of the conceptual design might be, please see the specification at page 11, starting on line 16. Fig. 2 gives a non-limiting and incomplete listing of some of the elements to be considered in generating the marketing and advertising concept. Each of these, such as visual elements, can either be a fixed characteristic which is to say, a predetermined characteristic that is set in advanced, or a fluid characteristic which may vary during the course of the project. Some of these can be arbitrary. For example, if a specific brand name must be utilized and cannot be changed, it is a fixed attribute for the project. If, however, the form of the name such as its font, color or shape, can change, the form of the name may be a fluid or variable element of the

project. This dynamic of selecting various attributes and determining whether they are fixed or fluid is part of this second step of claim 1.

The third step of claim 1, “selecting at least one immersion stimulus ...,” is known in the prior art from the article by Kathy Checkley. A copy of that article was submitted with the Information Disclosure Statement when the present application was filed. See the specification at page 4, starting at line 11 for a further discussion of this article.

The next step in the method, “selecting at least one team member having an aptitude representative of one of the intelligence’s,” is new and a concept the present inventor had for optimizing the utilization of the talents of the various members of the team by first identifying various “intelligence’s” such as those identified in the Checkley article, for example, verbal, visual, spacial, musical, emotional etc., and then identifying a member in the team who is particularly talented or adapt at understanding and utilizing that particular intelligence. For example, a team member who is musically talented would be selected for that talent in connection with any musical aspect to the project.

The next step of claim 1, “conducting an immersion session...,” is known in the prior art and commonly referred to as a “brainstorming session.”

The next step, “conducting energized idea generation exercises...,” was known in some form but has been refined by the present inventor. U.S. patent 5,663,478 to Smith discloses a form of such an idea generation exercise but does not anticipate or render obvious going beyond the verbal and logical facets of an idea to a more expansive view of the project. This goes back to the step of defining the scope of the conceptual design in a much broader arena.

The final step of claim 1, "where the energized ideas capable of being implemented as a complete conceptual design for the product or service" is again new with the inventor.

A similar exercise has been followed with the remaining claims where each instance of a prior art element has been identified but, in any case, comments are given on each element of the combination.

It is noted that when reference is made to the published version of the present application, U.S. 2002/0147627A1, the number in parenthesis is the paragraph number.

The Examiner has also asked about various brainstorming tools and techniques which have been developed by Saatchi & Saatchi but may or may not be part of the prior art and are certainly proprietary. Some of these techniques are explained more fully in the specification starting at page 25, line 16 but no further explanation is believed necessary. To the extent that these concepts, whether known or not, were incorporated into the invention, they involve only part of the brainstorming step which is acknowledged as being known at least in its broadest sense so that others skilled in the art can practice the present invention.

The Examiner also asks for the assignees information on the step-by-step instructions for conducting an idea generation session, noting that such manipulation is classified in class 705, sub classes 1 and 7-10. The inventor has tried to include what she knows of this technique to the extent that it is part of the prior art or new with the present invention, in the attached chart. The specification is believed to be sufficiently complete on this point as well.

Returning to the "fixed-fluid analysis", as noted above, this step involves ascribing a label to each of the elements in the scope of the conceptual design, as either being a fixed or non-changing characteristic for the project, or a variable or fluid characteristic for the project. This becomes important during the immersion sessions since fixed characteristics cannot be changed while variable or fluid characteristics can. It is significant and believed new to the present invention to identify which characteristics are fixed and thus avoid wasted effort in thinking about them too much, and which characteristics are fluid, where most of the creative energy should go in designing the marketing and advertising idea.

It is hoped that the foregoing and the attached chart are sufficient so that the examination of the claims of this application can now proceed.

This amendment is being filed during the last month permitted with the maximum extension of time allowed since the intervening time was spent in lengthy discussions between the undersigned and the inventor to try and formulate a comprehensive response to the request for information. Considerable effort was invested in preparation of the attached chart and the Examiner is respectfully requested and urged to contact the undersigned by telephone if any matters remain at this point in the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter C. Michalos', written over a horizontal line.

Peter C. Michalos
Reg. No. 28,643
Attorney for Applicants
(845) 359-7700

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NOTARO & MICHALOS P.C.
100 Dutch Hill Road, Suite 110
Orangeburg, New York 10962-2100

Customer No. 21706